

## **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed February 7, 2008 rejected claims 32-41, 43, 44, 46-49, 52-58, 60-66, 72-82, and 86-94. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 32-97 are pending. More specifically, claims 32, 43, 49, 55, 60, 72, 76, and 88 are amended. No new matter is added to the present application by these amendments. These amendments are specifically described hereinafter.

### **I. Present Status of Patent Application**

Claims 32-35, 39-40, 43, 48-49, 52-55, 60-61, 65, 72-77, 81-, 86-89, and 93 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273). Claims 36-38, 41, 44, 46-47, 56-58, 62-64, 66, 78-80, 82, 90-92, and 94 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). Claims 42, 45, 50-51, 59, 67-71, 83-85, and 95-97 are objected to as being dependent upon an allegedly rejected base claim. These rejections are respectfully traversed.

### **II. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Tran spent with Applicant's representative Benjie Balser during a March 28, 2008 telephone discussion regarding the above-identified Office Action. During the interview,

various features described in the patent application and recited in the independent claims, including a remainder of a divisional algorithm, and *Yamagishi* were discussed, and the outcome of this discussion is addressed herein. Applicants believe that the amendments presented herein are consistent with the suggestions and/or overall discussion with Examiner Tran. Thus, Applicant respectfully requests that Examiner Tran carefully consider this amendment and response.

### III. Rejections Under 35 U.S.C. §102(e)

#### A. Claims 32-35 and 39-40

The Office Action rejects claims 32-35 and 39-40 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 32**, as amended, recites:

32. A unit comprising:  
***memory for storing an unlock code with the unlock code being generated from a remainder result of a divisional algorithm using a multi-use secret code for a particular network and an identifier of the unit;***  
a control for receipt of an input code; and  
a processor being functionally connected to the control and to the memory to effect a comparison of the input code to the unlock code, and to effect an unlocking of the unit if the comparison results in a finding that the input code is substantially equal to the unlock code.

(Emphasis added).

Applicant respectfully submits that claim 32 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose,

teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that the amendments to claim 32 have rendered the rejection moot. Applicant respectfully submits that independent claim 32, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **memory for storing an unlock code with the unlock code being generated from a remainder result of a divisional algorithm using a multi-use secret code for a particular network and an identifier of the unit**. Claim 32 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 32, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 32, as amended, is allowable over the cited references of record, dependent claims 33-35 and 39-40 (which depend from independent claim 32) are allowable as a matter of law for at least the reason that dependent claims 33-35 and 39-40 contain all the features of independent claim 32. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 33-35 and 39-40 are patentable over *Yamagishi*, the rejection of claims 33-35 and 39-40 should be withdrawn and the claims allowed.

B. Claims 43 and 48

The Office Action rejects claims 43 and 48 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 43**, as amended, recites:

43. A method comprising:  
***generating an unlock code by using a remainder result of a divisional algorithm with a multi-use secret code for a particular network and the identifier***,  
storing the unlock code in the unit; and  
configuring the unit to be unlocked through input into the unit of an input code substantially equal to the unlock code,  
whereby the unit is unlocked with the input of the input code substantially equal to the unlock code.

(Emphasis added).

Applicant respectfully submits that claim 43 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that the amendments to claim 43 have rendered the rejection moot. Applicant respectfully submits that independent claim 43, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **generating an unlock code by using a remainder result of a divisional algorithm with a multi-use secret code for a particular network and the identifier**. Claim 43 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 43, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 43, as amended, is allowable over the cited references of record, dependent claim 48 (which depends from independent claim 43) is allowable as a matter of law for at least the reason that dependent claim 48 contains all the features of independent claim 43. Therefore, since dependent claim 48 is patentable over *Yamagishi*, the rejection of claim 48 should be withdrawn and the claims allowed.

C. Claims 49 and 52-54

The Office Action rejects claims 49 and 52-54 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 49**, as amended, recites:

49. A method comprising:  
***generating an unlock code using a remainder result of a divisional algorithm with a multi-use secret code for a particular network and an identifier;***  
receiving an input code;  
comparing the input code to the unlock code; and  
unlocking the unit if the input code is substantially equal to the unlock code.

(Emphasis added).

Applicant respectfully submits that claim 49 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above.

Applicant respectfully submits that the amendments to claim 49 have rendered the rejection moot. Applicant respectfully submits that independent claim 49, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest

at least **generating an unlock code using a remainder result of a divisional algorithm with a multi-use secret code for a particular network and an identifier.**

Claim 49 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 49, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 49, as amended, is allowable over the cited references of record, dependent claims 52-54 (which depend from independent claim 49) are allowable as a matter of law for at least the reason that dependent claims 52-54 contain all the features of independent claim 49. Therefore, since dependent claims 52-54 are patentable over *Yamagishi*, the rejection of claims 52-54 should be withdrawn and the claims allowed.

D. Claim 55

The Office Action rejects claim 55 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 55**, as amended, recites:

55. A computer-readable medium on which is stored a computer program, which when executed by a computer perform:
- obtaining a multi-use secret code for a particular network;
  - using the secret code with the identifier in a divisional algorithm to generate a remainder to use to generate an unlock code;***
  - loading the unit with the unlock code; and
  - configuring the unit so that the unit can be unlocked through input into the unit of an input code substantially equal to the unlock code.

(Emphasis added).

Applicant respectfully submits that claim 55 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that the amendments to claim 55 have rendered the rejection moot. Applicant respectfully submits that independent claim 55, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **using the secret code with the identifier in a divisional algorithm to generate a remainder to use to generate an unlock code**. Claim 55 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 55, and the rejection should be withdrawn for at least that reason.

E. Claims 60-61 and 65

The Office Action rejects claims 60-61 and 65 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 60**, as amended, recites:

60. A method comprising:  
configuring the communication unit to be lockable;  
configuring the communication unit to be unlockable; and  
generating an unlock code for the communication unit using a multi-use secret code for a particular network and at least the identifier,  
***wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked.***

(Emphasis added).

Applicant respectfully submits that claim 60 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that the amendments to claim 60 have rendered the rejection moot. Applicant respectfully submits that independent claim 60, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked**. Claim 60 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 60, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 60, as amended, is allowable over the cited references of record, dependent claims 61 and 65 (which depend from independent claim 60) are allowable as a matter of law for at least the reason that dependent claims 61 and 65 contain all the features of independent claim 60. Therefore, since dependent claims 61 and 65 are patentable over *Yamagishi*, the rejection of claims 61 and 65 should be withdrawn and the claims allowed.

F. Claims 72-75

The Office Action rejects claims 72-75 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).



**Independent claim 72**, as amended, recites:

72. A lockable/unlockable communication unit, the communication unit comprising:

***a memory having unlock code stored therein, the unlock code generated from a remainder result of a divisional algorithm, which uses at least a multi-use secret code for a particular network and the identifier;***

a control adapted to receive an input code; and

a processor in communication with the control and the memory, the processor adapted to compare the unlock code with the input, and responsive to the input being substantially equal to the unlock code, the processor effects a change of state from locked to unlocked.

(Emphasis added).

Applicant respectfully submits that claim 72 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that the amendments to claim 72 have rendered the rejection moot. Applicant respectfully submits that independent claim 72, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **a memory having unlock code stored therein, the unlock code generated from a remainder result of a divisional algorithm, which uses at least a multi-use secret code for a particular network and the identifier**. Claim 72 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 72, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 72, as amended, is allowable over the cited references of record, dependent claims 73-75 (which depend from independent claim 72) are allowable as a matter of law for at least the reason that dependent claims 73-75 contain all the features of independent claim 72. Therefore,

since dependent claims 73-75 are patentable over *Yamagishi*, the rejection of claims 73-75 should be withdrawn and the claims allowed.

G. Claims 76-77, 81, and 86-87

The Office Action rejects claims 76-77, 81, and 86-87 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 76**, as amended, recites:

76. A system comprising:  
means for configuring the communication unit to be lockable;  
means for configuring the communication unit to be unlockable; and  
means for generating an unlock code for the communication unit using at least a multi-use secret code for a particular network and the identifier, ***wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked.***

(Emphasis added).

Applicant respectfully submits that claim 76 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that the amendments to claim 76 have rendered the rejection moot. Applicant respectfully submits that independent claim 76, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked**. Claim 76 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore,

*Yamagishi* does not anticipate independent claim 76, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 76, as amended, is allowable over the cited references of record, dependent claims 77, 81, and 86-87 (which depend from independent claim 76) are allowable as a matter of law for at least the reason that dependent claims 77, 81, and 86-87 contain all the features of independent claim 76. Therefore, since dependent claims 77, 81, and 86-87 are patentable over *Yamagishi*, the rejection of claims 77, 81, and 86-87 should be withdrawn and the claims allowed.

H. Claims 88, 89, and 93

The Office Action rejects claims 88, 89, and 93 under 35 U.S.C. §102(e) as allegedly being anticipated by *Yamagishi* (U.S. Patent No. 6,125,273).

**Independent claim 88**, as amended, recites:

88. A computer-readable medium on which is stored a computer program, the computer program comprising instructions, which when executed by a computer perform:

- configuring the communication unit to be lockable;
- configuring the communication unit to be unlockable; and
- generating an unlock code for the communication unit using at least a multi-use secret code for a particular network and the identifier, ***wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked.***

(Emphasis added).

Applicant respectfully submits that claim 88 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized

above. Applicant respectfully submits that the amendments to claim 88 have rendered the rejection moot. Applicant respectfully submits that independent claim 88, as amended, is allowable for at least the reason that *Yamagishi* does not disclose, teach, or suggest at least **wherein the unlock code is generated from a remainder result of a divisional algorithm and is used to change the state of the communication unit from locked to unlocked**. Claim 88 has been amended to include the emphasized claim language which was indicated as allowable in the Office Action. Therefore, *Yamagishi* does not anticipate independent claim 88, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 88, as amended, is allowable over the cited references of record, dependent claims 89 and 93 (which depend from independent claim 88) are allowable as a matter of law for at least the reason that dependent claims 89 and 93 contain all the features of independent claim 88. Therefore, since dependent claims 89 and 93 are patentable over *Yamagishi*, the rejection of claims 89 and 93 should be withdrawn and the claims allowed.

#### IV. Rejections Under 35 U.S.C. §103(a)

##### A. Claims 36-38 and 41

The Office Action rejects claims 36-38 and 41 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 32 is allowable over the cited references of record, dependent claims 36-38 and 41 (which depend from independent claim 32) are

allowable as a matter of law for at least the reason that dependent claims 36-38 and 41 contain all the features of independent claim 32. Therefore, the rejection of claims 36-38 and 41 should be withdrawn and the claims allowed.

B. Claims 44, 46, and 47

The Office Action rejects claims 44, 46, and 47 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 43 is allowable over the cited references of record, dependent claims 44, 46, and 47 (which depend from independent claim 43) are allowable as a matter of law for at least the reason that dependent claims 44, 46, and 47 contain all the features of independent claim 43. Therefore, the rejection of claims 44, 46, and 47 should be withdrawn and the claims allowed.

C. Claims 56-58

The Office Action rejects claims 56-58 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 55 is allowable over the cited references of record, dependent claims 56-58 (which depend from independent claim 55) are allowable as a matter of law for at least the reason that dependent claims 56-58 contain all the features of independent claim 55. Therefore, the rejection of claims 56-58 should be withdrawn and the claims allowed.

D. Claims 62-64 and 66

The Office Action rejects claims 62-64 and 66 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 60 is allowable over the cited references of record, dependent claims 62-64 and 66 (which depend from independent claim 60) are allowable as a matter of law for at least the reason that dependent claims 62-64 and 66 contain all the features of independent claim 60. Therefore, the rejection of claims 62-64 and 66 should be withdrawn and the claims allowed.

E. Claims 78-80 and 82

The Office Action rejects claims 78-80 and 82 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 76 is allowable over the cited references of record, dependent claims 78-80 and 82 (which depend from independent claim 76) are allowable as a matter of law for at least the reason that dependent claims 78-80 and 82 contain all the features of independent claim 76. Therefore, the rejection of claims 78-80 and 82 should be withdrawn and the claims allowed.

F. Claims 90-92 and 94

The Office Action rejects claims 90-92 and 94 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yamagishi* (U.S. Patent No. 6,125,273). For at least the reason that independent claim 88 is allowable over the cited references of record, dependent claims 90-92 and 94 (which depend from independent claim 88) are allowable as a matter of law for at least the reason that dependent claims 90-92 and 94 contain all the features of independent claim 88. Therefore, the rejection of claims 90-92 and 94 should be withdrawn and the claims allowed.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 32-97 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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